

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Atty. Docket No.: PZ028P2C1

Ruben et al.

Group Art Unit: 1646

Patent No.: 7,247,442

Examiner: P.M. Mertz

Issued: July 24, 2007

For: Antibodies to HHPEN62 Polypeptide

**REQUEST FOR CERTIFICATE OF CORRECTION**  
**PURSUANT TO 37 C.F.R. § 1.322**

**ATTN: Certificate of Correction Branch**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Upon reviewing the above-identified patent, Patentees noted the following errors that should be corrected:

**On The Cover (75)**

Delete "Inventors: **Steven M. Ruben**, Brookeville, MD (US); **Kimberly A. Florence**, Rockville, MD (US); **Jian Ni**, Germantown, MD (US); **Craig A. Rosen**, Laytonsville, MD (US); **Kenneth C. Carter**, North Potomac, MD (US); **Paul A. Moore**, North Bethesda, MD (US); **Henrik S. Olsen**, Gaithersburg, MD (US); **Yanggu Shi**, Gaithersburg, MD (US); **Paul E. Young**, Gaithersburg, MD (US); **Ying-Fei Wei**, Berkeley, CA (US); **Laurie A. Brewer**, St. Paul, MN (US); **Daniel R. Soppet**, Centreville, VA (US); **David W. LaFleur**, Washington, DC (US); **Gregory A. Endress**, Florence, MA (US); **Reinhard Ebner**, Gaithersburg, MD (US); **Charles E. Birse**, North Potomac, MD (US)",

and insert --**Steven M. Ruben**, Brookeville, MD (US); **Jian Ni**, Germantown, MD (US);  
**Craig A. Rosen**, Laytonsville, MD (US)--;

**Page 2 (Other Publications)**

Line 8, delete "Image 19287", and insert --Image 192879--;

Line 10, delete "EST29899", and insert --EST29889--;

Line 23, delete "*Biochem Biohys*", and insert --*Biochem Biophys*--.

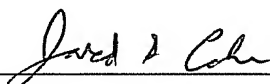
The above errors in inventorship were amended by Patentees in a Reply filed February 3, 2006, approved by the Examiner in an Office Communication dated June 11, 2007 (Paper No. 20070611), and thus do not appear to be an error of the Applicants. The other corrections were accurate in the application papers as filed. In support of the above, Applicants provide herewith, as **Exhibit A**, a copy of the Supplemental Application Data Sheet submitted February 3, 2006, **Exhibit B**, a copy of the Reply and Amendment filed February 3, 2006, **Exhibit C**, a copy of an Office Communication dated June 11, 2006, and **Exhibit D**, a copy of the date-stamped return receipt postcard submitted February 3, 2006. Accordingly, it is hereby requested that a Certificate of Correction Under 37 C.F.R. §1.322 be issued for the above-identified patent. Pursuant to 35 U.S.C. §1.322, no fee is required.

Submitted herewith is a proposed Certificate of Correction (Form PTO/SB/44).

Patentees respectfully request the issuance of the Certificate of Correction.

Respectfully submitted,

Date: SEPTEMBER 19, 2007

  
\_\_\_\_\_  
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JSC/pb

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 7,247,442 B1

DATED : July 24, 2007

INVENTOR(S) : Ruben, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**On the Cover Page (75):**

Delete "Inventors: **Steven M. Ruben**, Brookeville, MD (US); **Kimberly A. Florence**, Rockville, MD (US); **Jian Ni**, Germantown, MD (US); **Craig A. Rosen**, Laytonsville, MD (US); **Kenneth C. Carter**, North Potomac, MD (US); **Paul A. Moore**, North Bethesda, MD (US); **Henrik S. Olsen**, Gaithersburg, MD (US); **Yanggu Shi**, Gaithersburg, MD (US); **Paul E. Young**, Gaithersburg, MD (US); **Ying-Fei Wei**, Berkeley, CA (US); **Laurie A. Brewer**, St. Paul, MN (US); **Daniel R. Soppet**, Centreville, VA (US); **David W. LaFleur**, Washington, DC (US); **Gregory A. Endress**, Florence, MA (US); **Reinhard Ebner**, Gaithersburg, MD (US); **Charles E. Birse**, North Potomac, MD (US)", and insert --**Steven M. Ruben**, Brookeville, MD (US); **Jian Ni**, Germantown, MD (US); **Craig A. Rosen**, Laytonsville, MD (US)--;

**Page 2 (Other Publications)**

Line 8, delete "Image 19287", and insert --Image 192879--;

Line 10, delete "EST29899", and insert --EST29889--;

Line 23, delete "*Biochem Biohys*", and insert --*Biochem Biophys*--.

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PATENT NO.: 7,247,442

No. of additional copies: 0

# EXHIBIT A

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**Correspondence Information**

Correspondence Customer Number:: 22195

**Representative Information**

Representative Customer Number:: 22195

**Domestic Priority Information**



# COPY

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation of	09/948,783	09/10/01
09/948,783	An application claiming the benefit under 35 USC 119(e)	60/231,846	09/11/00
09/948,783	Continuation-in-part of	09/892,877	06/28/01
09/892,877	Continuation of	09/437,658	11/10/99
09/437,658	Continuation-in-part of	PCT/US99/09847	05/06/99
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,093	05/12/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,094	05/12/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,105	05/12/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,180	05/12/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,927	05/18/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,906	05/18/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,920	05/18/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,924	05/18/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,922	05/18/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,923	05/18/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,921	05/18/98
PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,925	05/18/98

PCT/US99/09847	An application claiming the benefit under 35 USC 119(e)	60/085,928	05/18/98
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**Assignee Information**

Assignee name:: Human Genome Sciences, Inc.  
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City of mailing address:: Rockville  
State or Province of mailing address:: MD  
Postal or Zip Code of mailing address:: 20850

# EXHIBIT B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ruben et al.

Docket No.: PZ028P2C1

Application No.: 10/849,979

Confirmation No.: 8748

Filed: May 21, 2004

Art Unit: 1646

For: Antibodies To HHPEN62 Polypeptide (As  
Amended Herein)

Examiner: P. Mertz

**REPLY AND AMENDMENTS UNDER 37 C.F.R. § 1.115**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed January 11, 2006 (Paper No. 11292005), please enter the following amendments and consider the following remarks and election. Applicants submit concurrently herewith: (a) a Fee Transmittal Sheet (in duplicate), with appropriate fee; (b) a Supplemental ADS to correct inventorship pursuant to 37 C.F.R. §1.48(b) (*Non-provisional application - fewer inventors due to amendment or cancellation of claims*); and (c) an Information Disclosure Statement and Form PTO/SB/08.

- Amendments to the Specification begin of page 2 of this paper.
- Amendments to the Claims begin on page 3 of this paper.
- Remarks begin on page 7 of this paper.

Insertions are shown by underlining. Deletions are shown by ~~striketrough~~.

**Amendment to the Title**

Please amend the title, as filed on May 21, 2004, to the following title:

~~97 Human Secreted Polypeptides~~ Antibodies To HHPEN62 Polypeptide.

**Amendment to the Claims**

**This listing of claims will replace all prior versions and listings of claims.**

1-24. (Canceled)

25. (New) An isolated antibody or fragment thereof that specifically binds to a polypeptide selected from the group consisting of:

(a) a polypeptide whose amino acid sequence consists of amino acid residues 1 to 508 of SEQ ID NO:139;

(b) a polypeptide whose amino acid sequence consists of a portion of SEQ ID NO:139, wherein said portion is at least 30 contiguous amino acid residues of SEQ ID NO:139; and

(c) a polypeptide whose amino acid sequence consists of a portion of SEQ ID NO:139, wherein said portion is at least 50 contiguous amino acid residues of SEQ ID NO:139.

26. (New) The antibody or fragment thereof of claim 25 that specifically binds polypeptide (a).

27. (New) The antibody or fragment thereof of claim 25 that specifically binds polypeptide (b).

28. (New) The antibody or fragment thereof of claim 25 that specifically binds polypeptide (c).

29. (New) The antibody or fragment thereof of claim 27 that specifically binds a polypeptide whose amino acid sequence consists of amino acid residues 1 to 508 of SEQ ID NO:139.

30. (New) The antibody or fragment thereof of claim 25, which is a polyclonal antibody.

31. (New) The antibody or fragment thereof of claim 25, which is a monoclonal antibody.
32. (New) The antibody or fragment thereof of claim 25, which is selected from the group consisting of:
- (a) a chimeric antibody;
  - (b) a human antibody;
  - (c) a humanized antibody;
  - (d) a single chain antibody; and
  - (e) a Fab fragment.
33. (New) The antibody or fragment thereof of claim 25, which is labeled.
34. (New) The antibody or fragment thereof of claim 25 wherein said polypeptide bound by said antibody or fragment thereof is glycosylated
35. (New) The antibody or fragment thereof of claim 25 wherein said antibody or fragment thereof specifically binds to said polypeptide in a Western blot.
36. (New) The antibody or fragment thereof of claim 25 wherein said antibody or fragment thereof specifically binds to said polypeptide in an ELISA.
37. (New) An isolated cell that produces the antibody or fragment thereof of claim 25.
38. (New) A hybridoma that produces the antibody or fragment thereof of claim 25.
39. (New) The antibody or fragment thereof of claim 26, which is a polyclonal antibody.

40. (New) The antibody or fragment thereof of claim 26, which is a monoclonal antibody.
41. (New) The antibody or fragment thereof of claim 26 which is selected from the group consisting of:
- (a) a chimeric antibody;
  - (b) a human antibody;
  - (c) a humanized antibody;
  - (d) a single chain antibody; and
  - (e) a Fab fragment.
42. (New) The antibody or fragment thereof of claim 26, which is labeled.
43. (New) The antibody or fragment thereof of claim 26 wherein said polypeptide bound by said antibody or fragment thereof is glycosylated
44. (New) The antibody or fragment thereof of claim 26 wherein said antibody or fragment thereof specifically binds to said polypeptide in a Western blot.
45. (New) The antibody or fragment thereof of claim 26 wherein said antibody or fragment thereof specifically binds to said polypeptide in an ELISA.
46. (New) An isolated cell that produces the antibody or fragment thereof of claim 26.
47. (New) A hybridoma that produces the antibody or fragment thereof of claim 26.
48. (New) A method of detecting a polypeptide comprising amino acid residues 1 to 508 of SEQ ID NO:139 in a biological sample comprising:
- (a) contacting the biological sample with the antibody or fragment thereof of claim 25;



- (b) allowing a complex to form between said polypeptide comprising amino acid residues 1 to 508 of SEQ ID NO:139 and said antibody of claim 25; and,
- (c) detecting said complex.

## Remarks

*Status of Claims*

Claims 1-24 have been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Claims 25-48 have been added to further expand the claimed embodiments of the elected subject matter. New claims 25-48 find support in the claims as originally filed and throughout the specification. Specifically, support for new claims 25-48 can be found, for example, at page 84, paragraph 192, through page 86, paragraph 198 (HHPEN62); page 264, in Table 1 (HHPEN62/SEQ ID NO:139); page 311, paragraph 741 (30 and 50 contiguous amino acids); page 317, paragraph 759, through page 328, paragraph 782 (antibodies; including polyclonal, monoclonal, human, humanized, chimeric antibodies, single chain antibodies, and Fab fragments); pages 312-313, paragraph 747 (ELISA; Western); page 355, paragraph 864, through page 357, paragraph 873 (labeled antibody; detecting a polypeptide in a biological sample); and page 363, paragraph 898 (glycosylated polypeptides). Accordingly, no new matter has been added. Upon entry of the present amendment, claims 25-48 will be pending.

*Election*

A restriction requirement under 35 U.S.C. § 121 has been issued in which claims 1-24 were separated into 786 different groups. *See*, Paper No. 11292005, pages 2-3. In addition, the Examiner has also required election of "one polypeptide (one amino acid sequence) as set forth in Table I from SEQ ID NO:Y." *Id.* at 3.

In order to be fully responsive and to comply with the pending election requirement, Applicants herein elect claims embodying the subject matter currently restricted to Group 218 (*i.e.*, drawn to the isolated antibodies of claim 13), for further prosecution. Additionally, to comply with the Examiner's request for election of a single polypeptide sequence, Applicants note that the pending claims, as amended herein, are drawn to antibodies which bind SEQ ID NO:139 polypeptide (HHPEN62). *See e.g.*, Table 1 at page 264. Thus, new claims 25-36 and 39-45 are directed to subject matter falling within the ambit of Group 218 as cast by the Examiner. Furthermore, Applicants respectfully request a search and examination of claims 37-38 and 46-48 (drawn to an isolated cell, hybridoma, or methods of detecting) upon allowance of generic claim 25.

***Change of Title***

Applicants have amended the pending claims in the present application to be drawn to HHPEN62 antibody embodiments (to accommodate the Restriction Requirement mailed January 11, 2006; Paper No. 11292005). As such, Applicants have also amended the Title of the present application to reflect the claimed antibody embodiments.

***Change of Inventorship pursuant to 37 C.F.R. §1.48(b)***

Applicants have amended the claims in the present application to be drawn to HHPEN62 antibody embodiments. In this regard, the undersigned has been informed that the inventive entity of the subject matter encompassed by the elected claims is: Steven M. Ruben, Jian Ni, and Craig A. Rosen. Accordingly, Applicants request that the present application be amended to show the above three persons as inventors. Thus, please remove the following names from the list of inventors: Kimberly A. Florence, Kenneth C. Carter, Paul A. Moore, Henrik S. Olsen, Yanggu Shi, Paul E. Young, Ying-Fei Wei, Laurie A. Brewer, Daniel R. Soppet, David W. LaFleur, Gregory A. Endress, Reinhard Ebner, and Charles E. Birse.

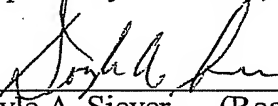
**Conclusion**

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. In view of the foregoing amendments and remarks, Applicants believe that this application is now in condition for further examination. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Date: 2/3/2006

Respectfully submitted,

  
Doyle A. Siever (Reg. No. 47,088)  
Agent for Applicants

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KKH/DAS/DBS/ba

**Supplemental Application Data Sheet****Application Information**

<u>Application Number::</u>	<u>10/849,979</u>
<u>Filing Date::</u>	<u>05/21/04</u>
Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	<u>1646</u>
CD-ROM or CD-R?::	None
Sequence submission?::	Paper
Computer Readable Form (CRF)?::	No
<u>Title::</u>	<u>Antibodies To HHPEN62 Polypeptide</u>
Attorney Docket Number::	PZ028P2C1
Request for Early Publication?::	No
Request for Non-Publication?::	No
Total Drawing Sheets::	8
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

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State or Province of mailing address:: MD



# EXHIBIT C

# COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/849,979	05/21/2004	Steven M. Ruben	PZ028P2C1	8748												
<div>22195      7590      06/19/2007 HUMAN GENOME SCIENCES INC. INTELLECTUAL PROPERTY DEPT. 14200 SHADY GROVE ROAD ROCKVILLE, MD 20850</div> <div><b>RECEIVED</b> JUN 20 2007 MJP JC (PF) HGS PATENT DEPT.</div> <table border="1"><thead><tr><th colspan="2">EXAMINER</th></tr></thead><tbody><tr><td colspan="2">MERTZ, PREMA MARIA</td></tr></tbody></table> <table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>1646</td><td></td></tr></tbody></table> <table border="1"><thead><tr><th>MAIL DATE</th><th>DELIVERY MODE</th></tr></thead><tbody><tr><td>06/19/2007</td><td>PAPER</td></tr></tbody></table>					EXAMINER		MERTZ, PREMA MARIA		ART UNIT	PAPER NUMBER	1646		MAIL DATE	DELIVERY MODE	06/19/2007	PAPER
EXAMINER																
MERTZ, PREMA MARIA																
ART UNIT	PAPER NUMBER															
1646																
MAIL DATE	DELIVERY MODE															
06/19/2007	PAPER															

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# COPY



**UNITED STATES DEPARTMENT OF COMMERCE**  
**U.S. Patent and Trademark Office**  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
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ART UNIT	PAPER
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20070611

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached.

Prema M Mertz  
Primary Examiner  
Art Unit: 1646

COPY

Application/Control Number: 10/849,979  
Art Unit: 1646

Page 2

1. The request for change in inventorship submitted 2/3/06 has been considered by the Examiner.

The present application has been amended to show these 3 persons as inventors: Steven M. Ruben, Jian Ni, and Craig A. Rosen.

The following names have been removed from the list of inventors: Kimberly A. Florence, Kenneth C. Carter, Paul A. Moore, Henrik S. Olsen, Yanggu Shi, Paul E. Young, Ying-Fei Wei, Laurie A. Brewer, Daniel R. Soppet, David W. LaFleur, Gregory A. Endress, Reinhard Ebner, and Charles E. Birse.

***Advisory Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prema Mertz whose telephone number is (571) 272-0876. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached on (571) 272-0835.

Official papers filed by fax should be directed to (571) 273-8300. Faxed draft or informal communications with the examiner should be directed to (571) 273-0876.

Information regarding the status of an application may be obtained from the Patent application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


*Prema Mertz*

Prema Mertz Ph.D., J.D.  
Primary Examiner  
Art Unit 1646  
June 11, 2007

# EXHIBIT D

# RETURN RECEIPT CARD

(MPEP § 503)

<b>OIPE:</b>	Please Date Stamp In The Box Below And Return To Addressee
	

Application of:  
Ruben et al.

Docket No.: PZ028P2C1

Application Serial No.: 10/849,979-Conf. #8748

Art Unit: 1646

Filed: May 21, 2004

Examiner: P. M. Mertz

Title: Antibodies To HHPEN62 Polypeptide (As  
Amended)

The following documents were filed by Human Genome Sciences, Inc.  
via hand delivery on February 3, 2006:

1. Return Receipt Card;
2. Fee Transmittal Sheet (1 page) (in duplicate);
3. Reply and Amendments Under 37 C.F.R. § 1.115 (9 pages);
4. Supplemental Application Data Sheet (10 pages); and
5. Information Disclosure Statement (2 pages) with Form SB/08 (2 pages) and copies of non-US patent references BG-BK.

Sender's Initials: DAS/DBS/ba